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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,623	08/31/2001	David Bruce Kumhyr	AUS920010694US1	1304
45502	7590	07/26/2005	EXAMINER	
DILLON & YUDELL LLP 8911 N. CAPITAL OF TEXAS HWY., SUITE 2110 AUSTIN, TX 78759			POLLACK, MELVIN H	
		ART UNIT	PAPER NUMBER	
		2145		

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,623	KUMHYR ET AL.	
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5, 9-11, 13-15 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 9-11, 13-15 and 18-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, 9-11, 13-15, and 18-25 are have been considered but are moot in view of the new ground(s) of rejection.
2. In the response to the last office action, the applicant changed the scope of the claims by adding new limitations to all independent claims. Certain dependent claims have also been added to the independent claims, further changing the scope of dependent claims. Added limitations include multiple roles, and the ability to terminate participation for every user with a certain role. As a result, a final amendment is necessitated even if the examiner provides a new art rejection. The examiner acknowledges that no new matter has been added by this amendment.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "an entire class of participants in the conference are automatically terminated or selectively terminated fro, the conference from among multiple classes of participants in the conference (P. 8, lines 6-8).") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims as drawn fail to indicate that the conference may continue with the plurality of terminals not assigned with the first identifier. Therefore, art teaching a group leader terminating a session (or subgroup session) will fulfill the limitation, as it causes terminating participation for all terminals in the subgroup, along with others.

4. The examiner agrees that, while Fenton teaches subgroups of multiple varieties, there is no teaching in which a user terminates participation for all users, nor for a subgroup. Therefore, the original rejection has been withdrawn in favor of a new rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 9-11, 13-15, 18-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Christofferson et al. (6,807,563).

6. For claims 1, 11, 18, and 22, Christofferson teaches a method and system (abstract) for controlling an electronic conference session between a plurality of terminals (col. 1, line 1 – col. 2, line 35) comprising:

a. Assigning a first identifier to one or more terminals (Fig. 1, #110-130) among a plurality of terminals (Fig. 1, #160), wherein the identifier represents a role in the electronic conference session from among a plurality of roles in the electronic conference session, and further wherein each of the plurality of roles participate in the electronic conference session (col. 9, lines 10-40);

b. Assigning a second identifier to one or more terminals among the plurality of terminals, wherein the second identifier represents a role in the electronic conference session from among the plurality of roles in the electronic conference session (col. 9, lines 25-30);

c. Associating the first identifier with a particular class of terminals among a plurality of classes (col. 9, lines 40-50);

- d. Associating the second identifier with a particular class of terminals among the plurality of classes (col. 9, lines 40-50); and
- e. Thereafter, automatically terminating participation in the electronic conference session for each terminal of the plurality of terminals assigned with the first identifier, in response to termination of the associated first class from participating in the electronic conference session (col. 6, lines 1-20; col. 9, line 40 – col. 10, line 10).

7. In the above case, people in group 1 (i.e. people who use foul language, like sports, etc.) may be disconnected while people in group 2 (i.e. people who don't use foul language, hate sports, etc.) may continue with the conference. The teaching is flexible in what groups and triggers may lead to what action, one of which is termination of a group (col. 6, line 60 – col. 4, line 40; col. 5, lines 5-40).

8. For claims 2, 13, Christofferson teaches that the electronic conference session is a teleconference and at least one of the plurality of terminals includes a telephone (col. 7, line 46).

9. For claims 3, 14, Christofferson teaches that the electronic conference session is a video-conference and at least one of the plurality of terminals includes a video monitor (col. 7, line 47).

10. For claims 4, 15, Christofferson teaches that the step of controlling comprises controlling an aspect of participation in the electronic conference session for two or more terminals of the plurality of terminals having identifiers associated with the designated class (col. 5, lines 30-65).

11. For claim 5, Christofferson teaches providing a terminal among the plurality of terminals with access to the electronic conference session in response to receiving an identifier for the terminal (col. 4, lines 55-60).

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12. For claim 9, Christofferson teaches that the electronic connection is an audio-visual connection and the step of modifying includes terminating an audio portion of the audio-visual connection (col. 9, lines 53-55).

13. For claim 10, Christofferson teaches that the electronic connection is an audio-visual connection and the step of modifying includes terminating a video portion of the audio-visual connection (col. 7, lines 47-55).

14. For claims 19, 23, Christofferson teaches that the step of associating includes associating as a function of a code entered into an electronic terminal by a participant as part of a process for gaining access to the teleconference (col. 4, line 50 – col. 5, line 5).

15. For claims 20, 24, Christofferson teaches that the step of terminating includes selecting the selected class as a function of a code entered into an electronic terminal by a leader (col. 9, lines 43-47).

16. For claims 21, 25, Christofferson teaches that the leader is one of a plurality of participants.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Simonoff teaches a grouping by privilege level (i.e. secret, top secret, etc.) in a whiteboard environment in which communications of a certain level are blocked for the lower level (Fig. 11) and in which lower-leveled clients may be blocked (col. 23, line 60 – col. 24, line 15) or have connections terminated (col. 14, lines 1-10).

19. The other cited teachings refer to a variety of teleconferencing and videoconferencing embodiments, particularly those that allow the termination of all members of a conference or subconference. As shown above, these also read on the claims as currently drawn, as there is no limitation regarding group 2 after termination of group 1.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
14 July 2005


Jason CARON
PRIMARY EX
Av. 2145